

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WOODWARD AVENUE PROTESTANT  
CHURCH OF CHRIST, a Michigan Domestic  
Non-Profit Corporation,

Plaintiff,

v.

Case No. 09-cv-12178

Paul D. Borman  
United States District Judge

STATE FARM FIRE AND CASUALTY  
COMPANY, an Illinois Corporation,

Defendant.

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**ORDER TO PAY DEFENDANT'S COSTS AND PERMITTING FILING OF REPLY BRIEF**

On April 28, 2010, the Court held a hearing on Defendant's Motion for Summary Judgment (Dkt. No. 18). Plaintiff's counsel failed to file a timely response to Defendant's motion which was due on March 26, 2010. Indeed, Plaintiff did not file a response until after the time set for the hearing, to which he arrived 30 minutes late. This vexatious and delinquent conduct by Plaintiff's counsel, where he came in late and provided defense counsel and the Court with his pleading, rendered the hearing a non-event.

Accordingly, pursuant to 28 U.S.C. § 1927, the Court ORDERS Plaintiff's counsel to pay Defendant's counsel's costs for the two hours associated with attending the hearing on April 28, 2010, and further ORDERS that Defendant shall have 10 days within in which to file a 5-page reply

to Plaintiff's untimely-filed response.

IT IS SO ORDERED.

S/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: April 30, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on April 30, 2010.

S/Denise Goodine  
Case Manager